Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 8, 9, 23 and 24 stand rejected under 35 U.S.C. §112, first paragraph.

Claims 1, 3-5, 14, 16, 18-20 and 29 stand rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,415,322 of *Jaye* ("*Jaye*").

Claims 1-3, 7, 11, 12, 16-18, 22, 26 and 27 stand rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,987,504 of *Toga* ("*Toga*").

Claims 1, 2, 6, 12, 13, 16, 17, 21, 27 and 28 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Apache: The Definitive Guide of *Laurie* and *Laurie* ("*Laurie*").

Claims 1, 6, 14, 16, 21 and 29 stand rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent Application 2001/0023442 of *Masters* ("*Masters*").

Claims 1, 8, 9, 16, 23 and 24 stand rejected under 35 U.S.C. §102(b) as being unpatentable over ("*w3.org*").

Claims 1, 15, 16 and 30 stand rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent Application 2001/0049717 of *Freeman et al.* ("*Freeman*").

Claims 1, 2, 7, 10-13, 16, 17, 22, and 25-28 stand rejected under 35 U.S.C. §102(a) as being unpatentable over HTTP: The Definitive Guide of *Gourley* and *Totty* ("*Gourley*").

The examiner has rejected claims 8 and 23 under 35 U.S.C. §112, first paragraph. The examiner has stated that it is not clear "how to make or use cost indication information" and that it is not clear how a cost indication "would be determined." (Page 2, paragraph 2a, Office Action, 11-20-06). Applicant respectfully submits that claims 8 and 23 do not recite determining (or making) a cost indication. Instead, claims 8 and 23 include the limitations of determining which of a set of access subsystems in an information system is to handle a client request in response to a set of client-side information that includes a cost indication. It is submitted that applicant's specification provides information that would enable one of ordinary skill in the art to determine which access subsystem is

- 6 -

to handle a client request in response to a cost indication as claimed in claims 8 and 23. For example, applicant's specification provides that

> The client-side information 62 may include a cost indication in a multi-layered cost structure that is associated with the client 10. The transaction director 20 may assign the client request 60 to the access subsystems 30-34 by matching the cost indication from the client-side information 62 to cost indications or ranks associated with the access subsystems 30-34.

(Applicant's specification, page 7, lines 20-30).

The examiner has rejected claims 9 and 24 under 35 U.S.C. §112, first paragraph. The examiner has stated that it is not clear "how to make or use computational intensity information" and that it is not clear how computational intensity "would be determined." (Page 2, paragraph 2b, Office Action, 11-20-06). Applicant respectfully submits that claims 9 and 24 do not recite determining (or making) computational intensity information. Instead, claims 9 and 24 include the limitations of determining which of a set of access subsystems in an information system is to handle a client request in response to a set of client-side information that includes a computational intensity associated with the client request. It is submitted that applicant's specification provides information that would enable one of ordinary skill in the art to determine which access subsystem is to handle a client request in response to a computational intensity as claimed in claims 9 and 24. For example, applicant's specification provides that

> The client-side information 62 may include an indication of computational intensity associated with performing the client request 60. If the client-side information 62 indicates a relatively high computational intensity then the transaction director 20 may assign the client request 60 to the access subsystems 30-34 that are allocated for high computation intensive tasks. Conversely, if the client-side information 62 indicates a relatively low computational intensity then the transaction director 20 may assign the client request 60 to the access subsystems 30-34 that are allocated for low computation intensive tasks.

(Applicant's specification, page 7, line 30 - page 8, line 12).

Applicant respectfully submits that amended claim 1 is not anticipated by *Jaye* because *Jaye* does not disclose a set of access subsystems each for use in accessing a persistent store

- 7 -

in an information system in response to a client request as claimed in amended claim 1. Figure 1 of *Jaye* shows a set of servers 15-17 but *Jaye* does not disclose that each of the servers 15-17 provides access the same persistent store as amended claimed in amended claim 1. Instead, it is submitted that the servers 15-17 of *Jaye* provide access to respective separate persistent stores inside the respective servers 15-17. For example, *Jaye* teaches that the servers 15-17 are "conventional Internet servers." (*Jaye*, col. 4, lines 47-50). Applicant further submits that amended claim 1 is not anticipated by *Jaye* because *Jaye* does not disclose a transaction director that determines which of a set of access subsystems is to handle a client request <u>in response to a set of client-side information</u> associated with the client request as claimed in amended claim 1. Instead, *Jaye* teaches redirecting a request from a local server to an enterprise server 16 <u>in response to a set of server-side information</u> (the local server inserts a special URL into the request). (*Jaye*, col. 6, lines 32-46).

Applicant also submits that amended claim 16 is not anticipated by *Jaye*. Amended claim 16 includes limitations similar to the limitations of amended claim 1. Therefore, the remarks stated above with respect to amended claim 1 and *Jaye* also apply to amended claim 16.

Given that claims 2-15 and 17-30 depend from amended claims 1 and 16, it follows that claims 2-15 and 17-30 are not anticipated by *Jaye*.

Applicant respectfully submits that amended claim 1 is not anticipated by *Toga* because *Toga* does not disclose a transaction director that determines which of a set of access subsystems is to handle a client request in response to a set of client-side information associated with the client request as claimed in amended claim 1. Instead, *Toga* discloses a server that receives a client request for a data file and that sends the data file to a storage subsystem. (*Toga*, col. 1, line 65 through col. 2, line 10).

Applicant also submits that amended claim 16 is not anticipated by *Toga*. Amended claim 16 includes limitations similar to the limitations of amended claim 1. Therefore, the

- 8 -

remarks stated above with respect to amended claim 1 and *Toga* also apply to amended claim 16.

Given that amended claims 2-15 and 17-30 depend from amended claims 1 and 16, it follows that amended claims 2-15 and 17-30 are not anticipated by *Toga*.

Applicant respectfully submits that amended claim 1 is not anticipated by *Laurie* because *Laurie* does not disclose a set of access subsystems each for use in accessing a persistent store in an information system and a transaction director that determines which of the access subsystems is to handle a client request in response to a set of client-side information associated with the client request as claimed in amended claim 1. Instead, *Laurie* discloses logging a client request. (*Laurie*, section 11.5). *Laurie* does not disclose access subsystems or a transaction director as claimed in amended claim 1.

Applicant also submits that amended claim 16 is not anticipated by *Laurie*. Amended claim 16 includes limitations similar to the limitations of amended claim 1. Therefore, the remarks stated above with respect to amended claim 1 and *Laurie* also apply to amended claim 16.

Given that amended claims 2-15 and 17-30 depend from amended claims 1 and 16, it follows that amended claims 2-15 and 17-30 are not anticipated by *Laurie*.

Applicant respectfully submits that amended claim 1 is not anticipated by *Masters* because *Masters* does not disclose a transaction director that determines which of a set of access subsystems is to handle a client request in response to a set of client-side information <u>generated by a client</u> as claimed in amended claim 1. Instead, *Masters* discloses a server array controller that determines which of a set of node servers is to handle a request in response to a cookie <u>generated by the server array controller or the selected node server</u>. (*Masters*, paragraphs 008 and 0060). *Masters* clearly states that the SET_COOKIE command is generated either by the server array controller 118 or the selected node server (*Masters*, paragraph 0060) and not by the client 10.

Applicant also submits that amended claim 16 is not anticipated by *Masters*. Amended claim 16 includes limitations

- 9 -

similar to the limitations of amended claim 1. Therefore, the remarks stated above with respect to amended claim 1 and *Masters* also apply to amended claim 16.

Given that amended claims 2-15 and 17-30 depend from amended claims 1 and 16, it follows that amended claims 2-15 and 17-30 are not anticipated by *Masters*.

Applicant respectfully submits that amended claim 1 is not anticipated by *w3.org* because *w3.org* does not disclose a set of access subsystems each for use in accessing a persistent store in an information system and a transaction director that determines which of the access subsystems is to handle a client request in response to a set of client-side information associated with the client request as claimed in amended claim 1. Instead, *w3.org* discloses HTTP request fields. (*w3.org*, entire document).

Applicant also submits that amended claim 16 is not anticipated by *w3.org*. Amended claim 16 includes limitations similar to the limitations of amended claim 1. Therefore, the remarks stated above with respect to amended claim 1 and *w3.org* also apply to amended claim 16.

Given that amended claims 2-15 and 17-30 depend from amended claims 1 and 16, it follows that amended claims 2-15 and 17-30 are not anticipated by *w3.org*.

Applicant respectfully submits that amended claim 1 is not anticipated by *Freeman* because *Freeman* does not disclose a transaction director that determines which of a set of access subsystems is to handle a client request in response to a set of client-side information as claimed in amended claim 1. Instead, *Freeman* a load management subsystem that determines which server will service a client request in response to a set of rules. (*Freeman*, paragraphs 0350-0351). *Freeman* teaches that the rules for directing client requests may be based on operational meters (*Freeman*, paragraph 0352) or system conditions (*Freeman*, paragraph 0356). In contrast, a transaction director as claimed in amended claim 1 determines which of a set of access subsystems is to handle a client request in response to a set of client-side information generated by a client.

Applicant also submits that amended claim 16 is not

- 10 -

anticipated by *Freeman*. Amended claim 16 includes limitations
similar to the limitations of amended claim 1. Therefore, the
remarks stated above with respect to amended claim 1 and *Freeman*
also apply to amended claim 16.

Given that amended claims 2-15 and 17-30 depend from
amended claims 1 and 16, it follows that amended claims 2-15 and
17-30 are not anticipated by *Freeman*.

Applicant respectfully submits that amended claim 1 is not
anticipated by *Gourley* because *Gourley* does not disclose a
transaction director that determines which of a set of access
subsystems is to handle a client request in response to a set of
client-side information associated with the client request as
claimed in amended claim 1. *Gourley* discloses a common log that
holds information (remote host, username, timestamp, etc.) for a
client request (*Gourley*, section 21.2.1) but does not teach
determining which of a set of access subsystems is to handle the
client request in response to the information as claimed in
amended claim 1.

Applicant also submits that amended claim 16 is not
anticipated by *Gourley*. Amended claim 16 includes limitations
similar to the limitations of amended claim 1. Therefore, the
remarks stated above with respect to amended claim 1 and *Gourley*
also apply to amended claim 16.

Given that amended claims 2-15 and 17-30 depend from
amended claims 1 and 16, it follows that amended claims 2-15 and
17-30 are not anticipated by *Gourley*.

It is respectfully submitted that in view of the amendments
and arguments set forth above, the applicable objections and
rejections have been overcome.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 08-2025 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 2-20-07   By: _____

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- 12 -